

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

PETER J. MILLER, an individual,
CLIFFORD HOYT, an individual, and
CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,
a Delaware corporation,

Plaintiffs,

v.

PATRICK TREADO, an individual, and
CHEMIMAGE CORP., a Delaware
corporation,

Defendants.

Civil Action No. 05-10367-RWZ

**PLAINTIFF'S MOTION TO COMPEL DEFENDANTS
TO PRODUCE DOCUMENTS
IN RESPONSE TO PLAINTIFFS' DOCUMENT REQUEST NOS. 1 AND 10(a)**

Pursuant to Rule 37(a)(2)(A) of the Federal Rules of Civil Procedure, the plaintiffs, Peter J. Miller, Clifford Hoyt, and Cambridge Research and Instrumentation, Inc. (collectively, "CRI"), hereby move to compel defendants, Patrick Treado and ChemImage Corp. (collectively, "ChemImage"), to produce documents and things responsive to CRI's document request nos. 1 and 10(a) in accordance with the attached proposed order.

The grounds for this motion are set forth in the accompanying memorandum.

The proposed order attached to this motion has an Appendix describing the specific documents and things being requested.

CRI's Motion to Compel Production
In response to Doc. Req. Nos. 1 and 10(a)

Respectfully submitted,

**PETER J. MILLER, CLIFFORD HOYT,
and CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,**

By their attorneys:

Dated: June 16, 2006

/s/ Teodor Holmberg
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LOCAL RULE 37.1(b) CERTIFICATION

Counsel for Plaintiffs certifies that the provisions of LR 37.1 have been complied with, as is described in the accompanying memorandum.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel for Plaintiffs certifies that counsel for plaintiffs has conferred with counsel for defendants in a good faith attempt to resolve or narrow the issue presented in this motion, as is described in the accompanying memorandum.

CERTIFICATE OF SERVICE

I hereby certify that the document identified in the top right-hand portion of this page and filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and a paper copy will be sent to those indicated as non-registered participants on June 16, 2006.

/s/ Teodor Holmberg
Teodor J. Holmberg (BBO# 634708)

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[PROPOSED] ORDER

Defendants ChemImage and Patrick Treado are hereby ordered under Fed. R. Civ. P.

37(a)(2)(B) to:

immediately produce all documents and things responsive to plaintiffs' Doc. Req.
No. 1, sub-parts (a)-(e) and (g)-(h), in regards to the following patents and
patent applications:

U.S. Prov. Pat. App. Ser. No. 60/239,969;
U.S. Pat. App. Ser. No. 09/064,347;
U.S. Pat. App. Ser. No. 09/976,391;
U.S. Reissue Pat. App. Ser. No. 11/103,423;
U.S. Pat. No. 6,002,476; and
U.S. Pat. No. 6,734,962; and

immediately produce all documents and things responsive to plaintiffs' Doc. Req.
10(a);

in accordance with the specific language of the attached Appendix.

Dated: _____, 2006

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE

APPENDIX TO COURT ORDER
SHOWING REQUESTS UNDER FRCP 34
BEING COMPELLED UNDER FRCP 37(a)(2)(B)

DOCUMENTS AND THINGS BEING COMPELLED

1. All documents and things concerning the following United States Patent Applications and United States Patents:

U.S. Prov. Pat. App. Ser. No. 60/239,969;	U.S. Reissue Pat. App. Ser. No. 11/103,423;
U.S. Pat. App. Ser. No. 09/064,347;	U.S. Pat. No. 6,002,476; and
U.S. Pat. App. Ser. No. 09/976,391;	U.S. Pat. No. 6,734,962.

This includes, but is not limited to:

- (a) all documents and things concerning the preparation and prosecution of the listed patents and patent applications, including, but not limited to, all documents and things concerning:
 - (i) the preparation of any draft patent applications covering the subject matter of any of the listed patents or patent applications, such as, without limitation, all invention disclosures, all drafts, and any meetings or communications with patent counsel concerning the preparation of any such drafts;
 - (ii) the decision to file any of the listed patents or patent applications or to file any application covering any of the subject matter of any of the listed patents or patent applications; and
 - (iii) the abandonment of any of the listed patents or patent applications;
 - (b) all documents and things concerning the conception and the actual and/or constructive reduction to practice of any invention(s) claimed in any of the listed patents or patent applications, including, but not limited to, all laboratory notebooks, notes, memoranda, workbooks, reports, or other documents;
 - (c) all documents and things concerning the inventorship of any of the listed patents or patent applications or of the subject matter of any of the listed patents or patent applications. This includes, but is not limited to, all documents and things concerning:
 - (i) the identity of each inventor; and
 - (ii) the decision to name each inventor;
 - (d) all documents and things concerning any testing, experimentation, development, study, and/or evaluation of any invention(s) claimed in any of the listed patents or patent applications;
 - (e) all documents and things concerning the ownership of any of the listed patents or patent applications or of the subject matter of any of the listed patents or patent applications;
 - (f) **[NOT INCLUDED IN PRESENT ORDER];**
 - (g) all documents and things describing any invention(s) in any of the listed patents or patent applications; and
 - (h) all documents and things concerning any agreement, contract, covenant, or license that grants or conveys any rights under any of the listed patents or patent applications.
10. All documents and things ... concerning:
- (a) Evans Split-Element LCTF technology, including, but not limited to, its development and all inventive contributions thereto; and
 - (b) **[NOT INCLUDED IN PRESENT ORDER].**